

REMARKS

Applicants submit these remarks and amendment in response to the Office Action dated November 17, 2005. Claims 1 and 5-35 are pending, claims 12-35 are withdrawn from examination, and claims 1 and 5-11 are currently under examination.

The Examiner states that claims 1 and 5-11 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-11 of co-pending application Serial No. 10/200,026. In that application, claims 1-11 are withdrawn in view of a previous restriction requirement, and will be cancelled upon allowance of the pending claims, which are claims 18-20. The cancellation of claims 1-11 in Serial No. 10/200,026 will resolve this provisional rejection without a terminal disclaimer.

Claims 1 and 5-11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is maintained from the previous Office Action. Without acquiescing to the ground of rejection, applicants have amended claim 1 to paragraph (e) which recited polynucleotides at least 90% identical to the polynucleotide of a, b, or c. Claim 7 has been amended to delete the reference to section (e) of claim 1. In view of these amendments, applicants submit that the rejection can be withdrawn.

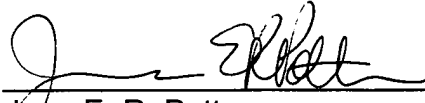
Claims 1 and 5-11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In view of the amendment to claims 1 and 7 as discussed above, applicants submit that this rejection may be withdrawn. Applicants submit that all the rejections have been addressed and overcome by these amendments and remarks.

Applicants submit that no fee is required. If a fee is believed necessary, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
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